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IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF ARIZONA
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9 United States of America,

No. CR-22-0889-PHX-MTL

10 Plaintiff,

11 v.

ORDER

12 James W. Clark,

13 Defendant.
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15 The Defendant is charged by Indictment in this District and has not yet appeared in
16 this District. Rather, Defendant was arrested in the District of Massachusetts on a warrant
17 issued on the District of Arizona Indictment (Doc. 11). Shortly after the Defendant's arrest
18 in the District of Massachusetts, United States Magistrate Judge Boal of the District of
19 Massachusetts appointed the Federal Public Defender's Office in the District of
20 Massachusetts to represent the Defendant in the District of Massachusetts proceedings,
21 released the Defendant on conditions (Doc. 12), and ordered the Defendant to appear before
22 United States Magistrate Judge John Boyle in the District of Arizona on August 17, 2022,
23 at 11:00 a.m. Arizona time (Doc. 12 at 1).

24 On August 9, 2022, and before any hearing in the District of Arizona, Assistant
25 Federal Public Defender Jeanette Alvarado in the District of Arizona¹ filed a "Notice of
26 Appearance" on behalf of the Defendant (Doc. 15). Thereafter, AFPD Alvarado filed a
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¹ Hereafter, "AFPD Alvarado."

1 Waiver of Personal Appearance at Arraignment² (Doc. 16), an Amended Waiver of
2 Personal Appearance at Arraignment on August 12, 2022³ (Doc. 17), an Addendum to
3 Waiver of Appearance of Arraignment on August 12, 2022⁴ (Doc. 18), a Motion to
4 Continue Arraignment on August 12, 2022⁵ (Doc. 19), and an Amended Motion to
5 Continue Arraignment on August 12, 2022⁶ (Doc. 20). The Motion to Continue (Doc. 19)
6 and the Amended Motion to Continue (Doc. 20) both state that a continuance is requested
7 because “the Court has not yet ruled” on whether to accept the Amended Waiver of
8 Personal Appearance and Addendum (Docs. 17, 18) filed a few hours earlier.

9 This matter is before the Court on the Amended Motion to Continue Arraignment
10 (Doc. 20). AFPD Alvarado represents that the Defendant “resides in the Boston,
11 Massachusetts area, is indigent and is living in a sober living facility” (Doc. 19 at 1). Based
12 on these representations, the Court will allow the Defendant to appear telephonically at the
13 hearing previously set before United States Magistrate Judge John Boyle in the District of
14 Arizona on August 17, 2022, at 11:00 a.m. Arizona time (Doc. 12 at 1).

15 Accordingly,

16 **IT IS ORDERED** denying without prejudice Defendant’s Amended Motion to
17 Continue Arraignment (Doc. 20).

18 **IT IS FURTHER ORDERED** allowing the Defendant to appear telephonically at
19 the hearing set for **August 17, 2022, at 11:00 a.m. (Arizona time) before United States**
20 **Magistrate Judge John Boyle in courtroom 302** of the Phoenix location of the United
21 States District Court for the District of Arizona.

22 **IT IS FURTHER ORDERED** that AFPD Alvarado promptly contact Judge
23 Boyle’s staff to make logistical arrangements for the Defendant’s telephonic appearance.

24 ² Signed by AFPD Madeline Mayer in the District of Arizona.
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26 ³ Filed at 11:06 a.m. on August 12, 2022, and signed by AFPD Mayer.
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28 ⁴ Filed at 11:46 a.m. on August 12, 2022.
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⁵ Filed at 2:01 p.m. on August 12, 2022.
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⁶ Filed at 3:09 p.m. on August 12, 2022.
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The Court finds there is no excludable delay under 18 U.S.C. § 3161.

Dated this 15th day of August, 2022.

Deborah M. Fine

Honorable Deborah M. Fine
United States Magistrate Judge